

Serial No.: 10/675,132
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REMARKS

On March 3, 2005, Applicant filed an amendment in response to the Final Office Action of December 10, 2004, in which a limitation from a dependent claim was incorporated into each of the independent claims. Applicant subsequently received an Advisory Action indicating that the amendments raised new issues that would require further search.

Applicant contacted the Examiner to inquire as to why he believed these amendments raised new issues. The Examiner indicated that in claim 1, in addition to incorporating the limitations of claim 2, Applicant added the phrase, "based at least in part on the act c)" and this phrase raised new issues that would require further search. Applicant inquired as to whether removing this phrase from claim 1 would place the claim in condition for allowance and the Examiner indicated that it would.

On May 6, 2005 Applicant filed a Supplemental Amendment to remove the phrase "based, at least in part, on the act c)." Applicant also amended claim 11 to remove the phrase "based, at least in part, on the act c)" and claim 19 to remove the phrase, "based, at least in part, on the capacity of the receiver system."

On June 1, 2005, Applicant contacted the Examiner to inquire as to the status of the case. The Examiner indicated that the May 6, 2005 Supplemental Amendment was not entered because the underlining and strikethrough in the claim amendments were based on the claims as amended in the response filed March 3, 2005, and the amendments made in the March 3, 2005 response were never entered. The Examiner indicated that the underlining and strikethrough in the Supplemental Amendment should have been based on the claims as pending prior to the amendments made in the March 3, 2005 response.

Accordingly, the amendment made herein amend the claims as pending prior to Applicant's response of March 3, 2005, but place the claims in the same condition they would have been in had the Supplemental Amendment of May 6, 2005 been entered.

All outstanding issues should now be resolved and the application should be in condition for allowance. If, after reviewing this amendment, the Examiner believes that the application is not in condition for allowance, the Examiner is respectfully requested to contact the undersigned to discuss any outstanding issues.

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CONCLUSION

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,
Anthony J. Gounalis, Applicant

By:

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Docket No.: L0562.70042US00

Date: June 1, 2005

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